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Attorney for Plaintiff  
IMAN HATAMI

FILED

2008 MAY 13 P 2:26

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

ADR

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

C08 02453

IMAN HATAMI,

Plaintiff,

v.

RESURGENT CAPITAL SERVICES, LP, a  
Delaware limited partnership, ALEGIS  
GROUP, LLC, a Delaware limited liability  
company, and LVNV FUNDING, LLC, a  
Delaware limited liability company,

Defendants.

Case No. \_\_\_\_\_

COMPLAINT

DEMAND FOR JURY TRIAL

15 United States Code § 1692 *et seq.*  
California Civil Code § 1788 *et seq.*

Plaintiff, IMAN HATAMI (hereinafter "Plaintiff"), based on information and belief and investigation of counsel, except for those allegations which pertain to the named Plaintiff or his attorneys (which are alleged on personal knowledge), hereby makes the following allegations:

I. INTRODUCTION

1. This is an action for statutory damages, attorney fees and costs brought by an individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibit debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §

1 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.  
2 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

3 3. This action arises out of Defendants' violations of the Fair Debt Collection  
4 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

### 5 III. VENUE

6 4. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in  
7 that a substantial part of the events or omissions giving rise to the claim occurred in this judicial  
8 district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that the  
9 Defendants transact business in this judicial district and the violations of the FDCPA complained  
10 of occurred in this judicial district.

### 11 IV. INTRADISTRICT ASSIGNMENT

12 5. This lawsuit should be assigned to the San Jose Division of this Court because  
13 a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara  
14 County.

### 15 V. PARTIES

16 6. Plaintiff, IMAN HATAMI (hereinafter "Plaintiff"), is a natural person  
17 residing in Santa Clara County, California. Plaintiff is a "consumer" within the meaning of 15  
18 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h).

19 7. Defendant, RESURGENT CAPITAL SERVICES, LP (hereinafter  
20 "RESURGENT"), is a Delaware limited partnership engaged in the business of collecting debts in  
21 this state with its principal place of business located at: 15 South Main Street, Suite 600, Greenville,  
22 South Carolina 29601-2768. RESURGENT may be served as follows: Resurgent Capital Services,  
23 LP, c/o CT Corporation System, Agent for Service of Process, 818 West Seventh Street, Los  
24 Angeles, California 90017-3407. The principal business of RESURGENT is the collection of debts  
25 using the mails and telephone, and RESURGENT regularly attempts to collect debts alleged to be  
26 due another. RESURGENT is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and  
27 Cal. Civil Code § 1788.2(c).

28 8. Defendant, ALEGIS GROUP, LLC (hereinafter "ALEGIS"), is a Delaware

1 limited liability company and the general partner of RESURGENT with its principal place of  
2 business located at: 15 South Main Street, Suite 600, Greenville, South Carolina 29601-2768.  
3 ALEGIS may be served as follows: Alegis Group, LLC, c/o The Corporation Trust Company,  
4 Agent for Service of Process, 1209 Orange Street, Wilmington, Delaware 19801-1120. The  
5 principal business of ALEGIS is the collection of debts using the mails and telephone, and ALEGIS  
6 regularly attempts to collect debts alleged to be due another. ALEGIS is a "debt collector" within  
7 the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c).

8           9. Defendant, LVNV FUNDING, LLC (hereinafter "LVNV"), is a Delaware  
9 limited liability company engaged in the business of collecting debts in this state with its principal  
10 place of business located at: 15 South Main Street, Suite 600, Greenville, South Carolina 29601-  
11 2768. LVNV may be served as follows: LVNV Funding, LLC, c/o The Corporation Trust  
12 Company, Agent for Service of Process, 1209 Orange Street, Wilmington, Delaware 19801-1120.  
13 The principal business of LVNV is the collection of debts using the mails and telephone, and LVNV  
14 regularly attempts to collect debts alleged to be due another. LVNV is a "debt collector" within the  
15 meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c). Plaintiff is informed and  
16 believes, and thereon alleges, that LVNV is liable for the acts of Defendants, RESURGENT and  
17 ALEGIS, because LVNV engaged RESURGENT and ALEGIS to collect a consumer debt on its  
18 behalf and LVNV directed the unlawful activities described herein. See *Martinez v. Albuquerque*  
19 *Collection Services, Inc.*, 867 F.Supp. 1495 (D. N.M. 1994) and *Police v. National Tax Funding,*  
20 *L.P.*, 225 F.3d 379 (3d Cir. 2000).

21           10. At all times herein mentioned, each of the Defendants was an officer, director,  
22 agent, servant, employee and/or joint venturer of his/her co-defendants, and each of them, and at all  
23 said times, each Defendant was acting in the full course and scope of said office, directorship,  
24 agency, service, employment and/or joint venture. Any reference hereafter to "Defendants" without  
25 further qualification is meant by Plaintiff to refer to each Defendant, and all of them, named above.

## 26 **VI. FACTUAL ALLEGATIONS**

27           11. On a date or dates unknown to Plaintiff, Plaintiff is alleged to have incurred  
28 a financial obligation, namely a consumer credit card account issued by Bank of America, and

1 bearing the account number XXXX-XXXX-XXXX-0132 (hereinafter "the alleged debt"). The  
2 alleged debt was incurred primarily for personal, family or household purposes and is therefore a  
3 "debt" as that term is defined by 15 U.S.C. § 1692a(5) and a "consumer debt" as that term is defined  
4 by Cal. Civil Code § 1788.2(f).

5 12. Sometime thereafter on a date unknown to Plaintiff, the alleged debt was  
6 consigned, placed or otherwise transferred to Defendants for collection from Plaintiff.

7 13. Thereafter Defendants sent a collection letter (Exhibit "1") to Plaintiff which  
8 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

9 14. The collection letter (Exhibit "1") is dated May 14, 2007.

10 15. The collection letter (Exhibit "1") was the first written communication from  
11 Defendants to Plaintiff in connection with the collection of the alleged debt.

12 16. The collection letter (Exhibit "1") was sent in an envelope on which a postage  
13 meter stamp dated May 15, 2007, was imprinted.

14 17. Plaintiff is informed and believes, and thereon alleges, that Defendants  
15 deposited the envelope containing the collection letter (Exhibit "1") in the United States Mail on or  
16 about May 15, 2007.

17 18. A true and accurate copy of the May 14, 2007 collection letter from  
18 Defendants to Plaintiff is attached hereto, marked Exhibit "1," and by this reference is incorporated  
19 herein.

20 19. Thereafter, Defendants sent a collection letter (Exhibit "2") to Plaintiff which  
21 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

22 20. The collection letter (Exhibit "2") is dated May 17, 2007.

23 21. The collection letter (Exhibit "2") was sent in an envelope on which a postage  
24 meter stamp dated May 18, 2007, was imprinted.

25 22. Plaintiff is informed and believes, and thereon alleges, that Defendants  
26 deposited the envelope containing the collection letter (Exhibit "2") in the United States Mail on or  
27 about May 18, 2007.

28 23. A true and accurate copy of the May 17, 2007 collection letter from

1 Defendants to Plaintiff is attached hereto, marked Exhibit "2," and by this reference is incorporated  
2 herein.

3 24. On or about July 23, 2007, Plaintiff mailed a letter to Defendants which  
4 stated: "please be advised that I dispute this debt and refuse to pay."

5 25. A true and accurate copy of Plaintiff's letter disputing the alleged debt and  
6 refusing to pay the alleged debt is attached hereto, marked Exhibit "3," and by this reference is  
7 incorporated herein.

8 26. Defendants received Plaintiff's letter disputing the alleged debt and refusing  
9 to pay the alleged debt (Exhibit "3") on or about July 25, 2007.

10 27. A true and accurate copy of the USPS Tracking Report and Certified Mail  
11 Return Receipt evidencing Defendants' receipt of Plaintiff's letter disputing the alleged debt and  
12 refusing to pay the alleged debt (Exhibit "3") is attached hereto, marked Exhibit "4," and by this  
13 reference is incorporated herein.

14 28. After receiving Plaintiff's letter notifying Defendants of his refusal to pay the  
15 alleged debt (Exhibit "3"), Defendants continued to communicate with Plaintiff in an attempt to  
16 collect the alleged debt.

17 29. On or about August 15, 2007, an employee of Defendants recorded the  
18 following message on Plaintiff's answering machine:

19 This is a message for Imanali Hatami. If you are not Imanali Hatami, please hang  
20 up or disconnect immediately. If you are Imanali "Hamati," please continue to listen  
21 to this message. There will now be a three second pause in this message. By  
22 continuing to listen to this message, you acknowledge that you are Hatami Imanali.  
23 This is Britney from Resurgent Capital Services. This is an attempt to collect a debt  
24 and any information obtained will be used for that purpose. Please contact me in  
25 reference to an important business matter at 866-464-1187. The hours of operation  
26 are Monday through Thursday 8 to 6 and Fridays 8 to 4, Eastern Standard Time.  
27 Your reference number for this call is 78363680 . Thank you.

28 30. Defendants' answering machine message was a "communication" in an  
attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

31. Thereafter, Defendants sent a collection letter (Exhibit "5") to Plaintiff which  
is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

32. The collection letter (Exhibit "5") is dated October 25, 2007.

33. The collection letter (Exhibit "5") was sent in an envelope on which a postage meter stamp dated October 26, 2007, was imprinted.

34. Plaintiff is informed and believes, and thereon alleges, that Defendants deposited the envelope containing the collection letter (Exhibit "5") in the United States Mail on or about October 26, 2007.

35. A true and accurate copy of the October 25, 2007 collection letter from Defendants to Plaintiff is attached hereto, marked Exhibit "5," and by this reference is incorporated herein.

36. Plaintiff is informed and believes, and thereon alleges, that Defendants sent these standard form letters to more than 40 persons in California, in the one year preceding the filing of this Complaint. Plaintiff may seek to amend to add class allegations at a later date.

## VII. CLAIMS

## FAIR DEBT COLLECTION PRACTICES ACT

37. Plaintiff brings the first claim for relief against Defendants under the Federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

38. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs as though fully set forth herein.

39. Plaintiff is a “consumer” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(3).

40. Defendant, RESURGENT, is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).

41. Defendant, ALEGIS, is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).

42. Defendant, LVNV, is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).

43. The financial obligation allegedly owed by Plaintiff is a “debt” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(5).

44. Defendants have violated the FDCPA in the following respects:

- a. Defendants continued to communicate with Plaintiff in an attempt to collect the alleged debt, after receiving written notification that Plaintiff refused to pay the debt being collected, in violation of 15 U.S.C. § 1692c(c);
- b. Defendants failed to send Plaintiff a written notice containing a statement that unless Plaintiff, within 30 days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by Defendants, in violation of 15 U.S.C. § 1692g(a)(3);
- c. Defendants failed to send Plaintiff a written notice containing a statement that if Plaintiff notifies Defendants *in writing* within the thirty-day period that the debt, or any portion thereof, is disputed, Defendants would obtain verification of the debt and that a copy of the verification would be mailed to Plaintiff, in violation of 15 U.S.C. § 1692g(a)(4); and
- d. Defendants failed to send Plaintiff a written notice containing a statement that upon Plaintiff's *written* request, Defendants would provide Plaintiff with the name and address of the original creditor, if different from the current creditor, in violation of 15 U.S.C. § 1692g(a)(5).

45. Defendants' acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

46. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to an award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. § 1692k.

#### **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

47. Plaintiff brings the second claim for relief against Defendants under the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), California Civil Code §§ 1788-1788.33.

48. Plaintiff repeats, realleges, and incorporates by reference all preceding

1 paragraphs as though fully set forth herein.

2 49. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code  
3 § 1788.2(h).

4 50. Defendant, RESURGENT, is a "debt collector" as that term is defined by the  
5 RFDCPA, Cal. Civil Code § 1788.2(c).

6 51. Defendant, ALEGIS, is a "debt collector" as that term is defined by the  
7 RFDCPA, Cal. Civil Code § 1788.2(c).

8 52. Defendant, LVNV, is a "debt collector" as that term is defined by the  
9 RFDCPA, Cal. Civil Code § 1788.2(c).

10 53. The financial obligation allegedly owed by Plaintiff is a "consumer debt" as  
11 that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

12 54. Defendants have violated the RFDCPA in the following respects:

- 13 a. Defendants continued to communicate with Plaintiff in an attempt to  
14 collect the alleged debt, after receiving written notification that  
15 Plaintiff refused to pay the debt being collected, in violation of 15  
16 U.S.C. § 1692c(c), as incorporated by Cal. Civil Code § 1788.17;
- 17 b. Defendants failed to send Plaintiff a written notice containing a  
18 statement that unless Plaintiff, within 30 days after receipt of the  
19 notice, disputes the validity of the debt, or any portion thereof, the  
20 debt will be assumed to be valid by Defendants, in violation of 15  
21 U.S.C. § 1692g(a)(3), as incorporated by Cal. Civil Code § 1788.17;
- 22 c. Defendants failed to send Plaintiff a written notice containing a  
23 statement that if Plaintiff notifies Defendants *in writing* within the  
24 thirty-day period that the debt, or any portion thereof, is disputed,  
25 Defendants would obtain verification of the debt and that a copy of  
26 the verification would be mailed to Plaintiff, in violation of 15 U.S.C.  
27 § 1692g(a)(4), as incorporated by Cal. Civil Code § 1788.17; and,
- 28 d. Defendants failed to send Plaintiff a written notice containing a

statement that upon Plaintiff's *written* request, Defendants would provide Plaintiff with the name and address of the original creditor, if different from the current creditor, in violation of 15 U.S.C. § 1692g(a)(5), as incorporated by Cal. Civil Code § 1788.17.

55. Defendants' acts as described above were done willfully and knowingly with the purpose of coercing Plaintiff to pay the alleged debt, within the meaning of Cal. Civil Code § 1788.30(b).

56. As a result of Defendants' willful and knowing violations of the RFDCPA, Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred dollars (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code § 1788.30(b).

57. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code § 1788.17.

58. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to an award of his reasonable attorney's fees and costs pursuant to Cal. Civil Code § 1788.30(c) and 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil Code § 1788.17.

59. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the RFDCPA are intended to be cumulative and in addition to any other procedures, rights or remedies that Plaintiff may have under any other provision of law.

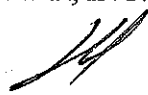
#### **VIII. REQUEST FOR RELIEF**

Plaintiff requests that this Court:

- a. Assume jurisdiction in this proceeding;
- b. Declare that Defendants violated the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692c(c), 1692g(a)(3), 1692g(a)(4) and 1692g(a)(5);
- c. Declare that Defendants violated the Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788.17;
- d. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A);


- 1 e. Award Plaintiff a statutory penalty in an amount not less than \$100 nor greater than  
2 \$1,000 pursuant to Cal. Civil Code § 1788.30(b);  
3 f. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to  
4 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code §1788.17;  
5 g. Award Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15  
6 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§ 1788.17 and 1788.30(c); and  
7 h. Award Plaintiff such other and further relief as may be just and proper.  
8

9 CONSUMER LAW CENTER, INC.

10 By: /s/ Fred W. Schwinn   
11 Fred W. Schwinn, Esq.  
12 Attorney for Plaintiff  
13 IMAN HATAMI


14 **CERTIFICATION PURSUANT TO CIVIL L.R. 3-16**

15 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the  
16 named parties, there is no such interest to report.

17 /s/ Fred W. Schwinn   
18 Fred W. Schwinn, Esq.

19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, IMAN HATAMI, hereby demands a trial by jury  
21 of all triable issues of fact in the above-captioned case.

22 /s/ Fred W. Schwinn   
23 Fred W. Schwinn, Esq.  
24  
25  
26  
27  
28

15 S. MAIN ST., SUITE 600  
GREENVILLE, SC 29601

ADDRESS SERVICE REQUESTED



78363680

05-14-07

#BWNDLZK  
#GGG0 099T 1L48#

VALVOD-CS-1  
\*A-HWJ-AM-01022



IMANALI HATAMI  
PO BOX 32171  
SAN JOSE CA 95152-2171

**RESURGENT CAPITAL SERVICES, LP**

1-866-464-1187

Fax: 1-888-546-7568

Hours of Operation

8AM-6PM EST Monday - Thursday

8AM-5PM EST Friday

PREVIOUS CREDITOR: Bank of America  
CURRENT CREDITOR: LVNV Funding LLC  
ACCOUNT NUMBER: 4019026850320132  
BALANCE: \$19,933.51

RESURGENT CAPITAL SERVICES, LP  
PO BOX 10497  
GREENVILLE SC 29603-0497



*IMPORTANT: To receive proper credit, be sure to enclose this portion with your payment.*

Dear Imanali Hatami:

This account has been placed with Resurgent Capital Services, LP.

Enclosed please find an original validation of debt that verifies the debt.

If you have any questions, please contact one of our Customer Service Representatives toll-free at 1-866-464-1187.

Sincerely,

Customer Service Department  
Resurgent Capital Services, LP

*This communication is sent to you by Resurgent Capital Services, LP, a professional debt collector.*

**INFORMATION CONCERNING YOUR LEGAL RIGHTS**

As required by law you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your obligation.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

"Si usted no entiende el contenido de esta carta, por favor contacte a uno de nuestros representantes que hablan español al numero 1-888-665-0374."

The following is a Spanish translation of the information previously provided.

"Como es requerido por la ley usted esta siendo notificado por este medio que un reporte de crédito negativo afectando su reporte de crédito puede ser remitido a una agencia de reporte de créditos, si usted no puede satisfacer los términos de su obligación."

"El acto estatal de Rosenthal Fair Debt Collection Practices, y el acto federal de Fair Debt Collection Practices requieren que, a menos de circunstancias inusuales, los cobradores no podrán contactarlo antes de las 8 a.m. o después de las 9 p.m. Ellos no lo podrán acosar usando amenazas violentas o arrestarlo o usar un lenguaje ofensivo. Los cobradores no podrán usar declaraciones falsas o engañosas o llamarlo a su trabajo si ellos saben o tienen razón para saber que usted no puede recibir llamadas personales en su trabajo. En general, cobradores no le podrán decir a otra persona, aparte de su abogado o su esposa, acerca de su deuda. Los cobradores se podrán comunicar con otras personas para poder comunicarse con usted, y para entablar un juicio. Para más información sobre las actividades de colección de deuda, usted puede contactar Federal Trade Commission al 1-877-FTC-HELP o [www.ftc.gov](http://www.ftc.gov)"

**EXHIBIT****1**

**Validation of Debt**  
**May 14, 2007**  
**IMANALI HATAMI**

The account of IMANALI HATAMI acquired from Bank of America is now owned by LVNV Funding LLC .

At the time the account was acquired from Bank of America, Bank of America advised that the balance owing was \$16,701.63. Since that time, additional interest, fees, payments, credits and offsets, if applicable, have been allowed, for a current balance of \$19,933.51.\*

\*Please note that any additional interest, fees, payments, credits and offsets made within the past 30 days may not be reflected in the above mentioned current balance.

## PRIVACY NOTICE

This Privacy Notice is being given on behalf of each of the following related companies (the "Sherman Companies"). It describes the general policy of the Sherman Companies regarding the personal information of customers and former customers.

Sherman Acquisition, LP  
Resurgent Capital Services, LP  
Sherman Acquisition II, LP

Sherman Acquisition, LLC  
FNBM, LLC  
Sherman Acquisition TA, LP

Ascent Card Services, LLC  
LVNV Funding, LLC  
Ascent Card Services II, LLC

**Information we may collect.** The Sherman Companies may collect the following personal information: (1) information that we receive from your account file at the time we purchase or begin to service your account, such as your name, address, social security number, and assets; (2) information that you may give us through discussion with you, or that we may obtain through your transactions with us, such as your income and payment history; (3) information that we receive from consumer reporting agencies, such as your creditworthiness and credit history, and (4) information that we obtain from other third party information providers, such as public records and databases that contain publicly available data about you, such as bankruptcy and mortgage filings. All of the personal information that we collect is referred to in this notice as "collected information".

**Confidentiality and security of Collected Information.** At the Sherman Companies, we restrict access to collected information about you to individuals who need to know such collected information in order to perform services in connection with your account. We maintain physical safeguards (like restricted access), electronic safeguards (like encryption and password protection), and procedural safeguards (such as authentication procedures) to protect collected information about you.

### **Sharing Collected Information with affiliates and third parties**

**Sharing with Affiliates.** From time to time, the Sherman Companies may share collected information about customers and former customers with each other and with their affiliated financial services companies in connection with administering and collecting accounts.

**Sharing with Third Parties.** The Sherman Companies do not share collected information about customers or former customers with third parties, except as permitted by applicable privacy law. For example, collected information may be shared in certain circumstances (A) with third parties, to service or enforce accounts, (B) with credit reporting agencies, and (C) with law enforcement officials, to protect against fraud or other crimes.

### **Special Notice Regarding Collected Information Subject to the Fair Debt Collection Practices Act.**

This Privacy Notice is being sent to you by the Sherman Companies in accordance with federal privacy law, and it describes our privacy practices generally. However, please be assured that collected information that is received or used for purposes of collecting a debt subject to the Fair Debt Collection Practices Act is communicated only in accordance with that Act.

20120513 10:00:00

15 S. MAIN ST., SUITE 600  
GREENVILLE, SC 29601

ADDRESS SERVICE REQUESTED



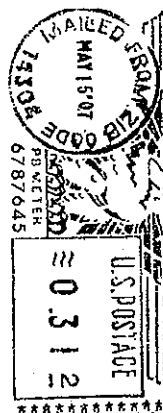
#BWNDLZK  
#GGG0 099T 1L48#

VALVOD-CS-1  
A-HWJ-AM-01022

IMANALI HATAMI  
PO BOX 32171  
SAN JOSE CA 95152-2171

5

PRESORTED  
FIRST CLASS



**RESURGENT CAPITAL SERVICES, LP**

1-866-464-1187

Fax: 1-888-546-7568

Hours of Operation

8AM-6PM EST Monday - Thursday

8AM-5PM EST Friday

ADDRESS SERVICE REQUESTED



78363680

PREVIOUS CREDITOR: Bank of America  
CURRENT CREDITOR: LVNV Funding LLC  
ACCOUNT NUMBER: 4019026850320132  
BALANCE: \$19,933.51

**EXHIBIT**

**2**

05-17-07

#BWNDLZK

#GGG0 09AI IZD5#

ARINV-CS-1

\*A-K8A-AM-00975



IMANALI HATAMI

PO BOX 32171

SAN JOSE CA 95152-2171



8

RESURGENT CAPITAL SERVICES, LP

PO BOX 10497

GREENVILLE SC 29603-0497



*IMPORTANT: To receive proper credit, be sure to enclose this portion with your payment.*

Dear Imanali Hatami:

RE: Account Number 4019026850320132

We have received your recent inquiry regarding this account and are in the process of investigating your claim. Once a determination is made, we will contact you with the results of our research.

If you have any questions, please contact one of our Customer Service Representatives toll-free at 1-866-464-1187.

Sincerely,

Customer Service Department  
Resurgent Capital Services, LP

*This communication is sent to you by Resurgent Capital Services, LP, a professional debt collector.*

**Please read the following important notices as they may affect your rights.**

As required by law you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your obligation.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

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The following is a Spanish translation of the information previously provided.

"Si usted no entiende el contenido de esta carta, por favor contacte a uno de nuestros representantes que hablan español al numero 1-888-665-0374."

"Como es requerido por la ley usted esta siendo notificado por este medio que un reporte de crédito negativo afectando su reporte de crédito puede ser remitido a una agencia de reporte de créditos, si usted no puede satisfacer los términos de su obligación."

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SEE NEXT PAGE FOR IMPORTANT PRIVACY NOTIFICATION FROM YOUR CREDITOR

### PRIVACY NOTICE

This Privacy Notice is being given on behalf of each of the following related companies (the "Sherman Companies"). It describes the general policy of the Sherman Companies regarding the personal information of customers and former customers.

Sherman Acquisition, LP  
Resurgent Capital Services, LP  
Sherman Acquisition II, LP

Sherman Acquisition, LLC  
FNBM, LLC  
Sherman Acquisition TA, LP

Ascent Card Services, LLC  
LVNV Funding, LLC  
Ascent Card Services II, LLC

**Information we may collect.** The Sherman Companies may collect the following personal information: (1) information that we receive from your account file at the time we purchase or begin to service your account, such as your name, address, social security number, and assets; (2) information that you may give us through discussion with you, or that we may obtain through your transactions with us, such as your income and payment history; (3) information that we receive from consumer reporting agencies, such as your creditworthiness and credit history, and (4) information that we obtain from other third party information providers, such as public records and databases that contain publicly available data about you, such as bankruptcy and mortgage filings. All of the personal information that we collect is referred to in this notice as "collected information".

**Confidentiality and security of Collected Information.** At the Sherman Companies, we restrict access to collected information about you to individuals who need to know such collected information in order to perform services in connection with your account. We maintain physical safeguards (like restricted access), electronic safeguards (like encryption and password protection), and procedural safeguards (such as authentication procedures) to protect collected information about you.

#### **Sharing Collected Information with affiliates and third parties**

**Sharing with Affiliates.** From time to time, the Sherman Companies may share collected information about customers and former customers with each other and with their affiliated financial services companies in connection with administering and collecting accounts.

**Sharing with Third Parties.** The Sherman Companies do not share collected information about customers or former customers with third parties, except as permitted by applicable privacy law. For example, collected information may be shared in certain circumstances (A) with third parties, to service or enforce accounts, (B) with credit reporting agencies, and (C) with law enforcement officials, to protect against fraud or other crimes.

#### **Special Notice Regarding Collected Information Subject to the Fair Debt Collection Practices Act.**

This Privacy Notice is being sent to you by the Sherman Companies in accordance with federal privacy law, and it describes our privacy practices generally. However, please be assured that collected information that is received or used for purposes of collecting a debt subject to the Fair Debt Collection Practices Act is communicated only in accordance with that Act.



15 S. MAIN ST. SUITE 600  
GREENVILLE, SC 29601

ADDRESS SERVICE REQUESTED



78363680

#BWNDLZK  
#GGG0 09A1 IZDS#  
IMANALI HATAMI  
PO BOX 32171  
SAN JOSE CA 95152-2171

ARINV-CS-1  
\*A-K8A-AM-00975

8



**REFUSE TO PAY LETTER**RESURGENT CAPITAL SERVICES, LP

Collection Agency's Name

15 S. MAIN ST., SUITE 600

Collection Agency's Address

GREENVILLE, SC 29601CERTIFIED MAIL  
RETURN RECEIPT REQUESTED7-23-2007

Today's Date

7605 3110 0000 4788 0185

Tracking Number

Re: Account No. 4019026850320132

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain...

Very Truly Yours,

Iman Hatami

Sign your name here

IMAN HATAMI

Print your name here

P.O. Box 32171

Print your address here

SAN JOSE, CA 95152-2171U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)For delivery information visit our website at [www.usps.com](http://www.usps.com)**OFFICIAL USE**

|   |    |        |
|---|----|--------|
| Postage   | \$ | 50.71  |
| Certified Fee                                     |    | \$2.65 |
| Return Receipt Fee<br>(Endorsement Required)      |    | \$2.15 |
| Restricted Delivery Fee<br>(Endorsement Required) |    | \$0.00 |
| Total Postage & Fees                              | \$ | 55.51  |

17  
Postmark  
Here  
07/23/2007  
SERVICES, LP

Sent To RESURGENT CAPITAL  
 Street, Apt. No.,  
 or PO Box No. 15 S. MAIN ST., SUITE 600  
 City, State, ZIP+4 GREENVILLE, SC 29601

PS Form 3800, June 2002

See Reverse for Instructions

**EXHIBIT****3**

Case 5:08-cv-02453-JF  
15 S. MAIN ST., SUITE 600  
GREENVILLE, SC 29601

Document 1

RESURGENT CAPITAL SERVICES, LP  
Filed 03/13/2008 Page 19 of 25  
1-866-464-1187

Fax: 1-888-546-7568

Hours of Operation  
8AM-6PM EST Monday - Thursday  
8AM-5PM EST Friday

ADDRESS SERVICE REQUESTED



78363680

PREVIOUS CREDITOR: Bank of America  
CURRENT CREDITOR: LVNV Funding LLC  
ACCOUNT NUMBER: 4019026850320132  
BALANCE: \$19,933.51

05-14-07

#BWNDLZK

#GGG0 099T 1L48#

VALVOD-CS-1  
\*A-HWJ-AM-01022



IMANALI HATAMI  
PO BOX 32171  
SAN JOSE CA 95152-2171



5

RESURGENT CAPITAL SERVICES, LP  
PO BOX 10497  
GREENVILLE SC 29603-0497



IMPORTANT: To receive proper credit, be sure to enclose this portion with your payment.

Dear Imanali Hatami:

This account has been placed with Resurgent Capital Services, LP.

Enclosed please find an original validation of debt that verifies the debt.

If you have any questions, please contact one of our Customer Service Representatives toll-free at 1-866-464-1187.

Sincerely,

Customer Service Department  
Resurgent Capital Services, LP

*This communication is sent to you by Resurgent Capital Services, LP, a professional debt collector.*

#### INFORMATION CONCERNING YOUR LEGAL RIGHTS

As required by law you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your obligation.

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This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

"Si usted no entiende el contenido de esta carta, por favor contacte a uno de nuestros representantes que hablan español al numero 1-888-665-0374."

The following is a Spanish translation of the information previously provided.

"Como es requerido por la ley usted esta siendo notificado por este medio que un reporte de crédito negativo afectando su reporte de crédito puede ser remitido a una agencia de reporte de créditos, si usted no puede satisfacer los términos de su obligación."

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[Home](#) | [Help](#)

[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7005 3110 0000 4788 0185  
Detailed Results:

- Delivered, July 25, 2007, 11:45 am, GREENVILLE, SC 29601
- Arrival at Unit, July 25, 2007, 10:14 am, GREENVILLE, SC 29601
- Acceptance, July 23, 2007, 4:17 pm, SAN JOSE, CA 95113

[< Back](#)

[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

[Site Map](#)

[Contact Us](#)

[Forms](#)

[Gov't Services](#)

[Jobs](#)

[Privacy Policy](#)

[Terms of Use](#)

[National & Premier Accounts](#)

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No FEAR Act EEO Data

FOIA



United States  
Postage & Fees Paid



Permit No. 100  
Greenville, SC

#### SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RESURGENT CAPITAL  
SERVICES, LP  
15 S. MAIN ST., SUITE 600  
GREENVILLE, SC  
29601

2. Article Number

(Transfer from service label)

7005 3110 0000 4788 0185

#### COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT

4

**RESURGENT CAPITAL SERVICES, LP**

1-866-464-1187

Fax: 1-866-467-0960

Hours of Operation

8AM-6PM EST Monday - Thursday

8AM-5PM EST Friday



78363680

PREVIOUS CREDITOR: Bank of America  
CURRENT CREDITOR: LVNV Funding LLC  
ACCOUNT NUMBER: 4019026850320132  
BALANCE: \$21,740.91

**EXHIBIT**

**5**

10-25-07

ARFOLL-CS-1

\*A-CLX-AM-00579



IMANALI HATAMI  
1134 SUMMERPARK CT  
SAN JOSE CA 95132-2944



6

RESURGENT CAPITAL SERVICES, LP  
PO BOX 10497  
GREENVILLE SC 29603-0497



*IMPORTANT: To receive proper credit, be sure to enclose this portion with your payment.*

Dear Imanali Hatami:

RE: Account Number 4019026850320132

Information you provided regarding this account has been forwarded to the Customer Service Department for research. However, we have been unable to contact you to discuss this account.

If we are unable to establish contact with you within 30 days from the date of this letter, active collection efforts will resume on your account.

Please contact us at 1-866-464-1187 so we may update your contact information and assist you in resolving this account.

Sincerely,

Customer Service Department  
Resurgent Capital Services, LP

*This communication is sent to you by Resurgent Capital Services, LP, a professional debt collector.*

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Resurgent Capital Services, LP  
Sherman Acquisition II, LP

Sherman Acquisition, LLC  
Credit One Bank, NA  
Sherman Acquisition TA, LP  
Ashley Funding Services, LLC  
PYOD LLC

Ascent Card Services, LLC  
LVNV Funding, LLC  
Ascent Card Services II, LLC  
Anson Street, LLC  
SFG REO, LLC

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15 S. MAIN ST., SUITE 600  
GREENVILLE, SC 29601



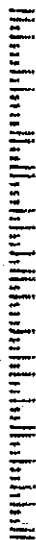
78363680

ARFOLL-CS-1  
\*A-CLX-AM-00579  
IMANALI HATAMI  
1134 SUMMER PARK CT  
SAN JOSE CA 95132-2944

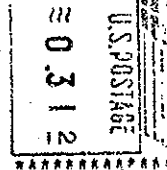
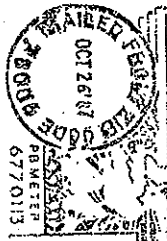


6

551322944 0025



FIRST CLASS  
AUTO



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

## I. (a) PLAINTIFFS

IMAN HATAMI

## DEFENDANTS

RESURGENT CAPITAL SERVICES, LP, ALEGIS GROUP, LLC, and  
LVNV FUNDING, LLC(b) County of Residence of First Listed Plaintiff **SANTA CLARA**  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Consumer Law Center, Inc.  
12 South First Street, Suite 1014  
San Jose, CA 95113-2418  
(408) 294-6100

Attorneys (If Known)

**C08 02453****RS**

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT  |  | TORTS   |  | FORFEITURE/PENALTY   | BANKRUPTCY   | OTHER STATUTES |
|---|--|---|--|--|--|----------------|
| <input type="checkbox"/> 110 Insurance  | <input type="checkbox"/> 310 Airplane                          | <input type="checkbox"/> 362 Personal Injury—                           | <input type="checkbox"/> 610 Agriculture                                 | <input type="checkbox"/> 422 Appeal 28 USC 158                   | <input type="checkbox"/> 400 State Reapportionment                                     |                |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 315 Airplane Product Liability        | Med. Malpractice  | <input type="checkbox"/> 620 Other Food & Drug                           | <input type="checkbox"/> 423 Withdrawal 28 USC 157               | <input type="checkbox"/> 410 Antitrust   |                |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 320 Assault, Libel & Slander          | <input type="checkbox"/> 365 Personal Injury—                           | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 |  | <input type="checkbox"/> 430 Banks and Banking   |                |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 330 Federal Employers' Liability      | Product Liability   | <input type="checkbox"/> 630 Liquor Laws                                 | <b>PROPERTY RIGHTS</b>   | <input type="checkbox"/> 450 Commerce  |                |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 340 Marine                            | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 640 R.R. & Truck                                | <input type="checkbox"/> 820 Copyrights                          | <input type="checkbox"/> 460 Deportation   |                |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 345 Marine Product Liability          | <b>PERSONAL PROPERTY</b>  | <input type="checkbox"/> 650 Airline Regs.                               | <input type="checkbox"/> 830 Patent                              | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations            |                |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle                     | <input type="checkbox"/> 370 Other Fraud                                | <input type="checkbox"/> 660 Occupational Safety/Health                  | <input type="checkbox"/> 840 Trademark                           | <input checked="" type="checkbox"/> 480 Consumer Credit                                |                |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits        | <input type="checkbox"/> 355 Motor Vehicle Product Liability   | <input type="checkbox"/> 371 Truth in Lending                           | <input type="checkbox"/> 690 Other                                       | <b>SOCIAL SECURITY</b>   | <input type="checkbox"/> 490 Cable/Sat TV  |                |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 360 Other Personal Injury             | <input type="checkbox"/> 380 Other Personal Property Damage             | <b>LABOR</b>   | <input type="checkbox"/> 861 HIA (1395ff)                        | <input type="checkbox"/> 810 Selective Service   |                |
| <input type="checkbox"/> 190 Other Contract                                       |  | <input type="checkbox"/> 385 Property Damage Product Liability          | <input type="checkbox"/> 710 Fair Labor Standards Act                    | <input type="checkbox"/> 862 Black Lung (923)                    | <input type="checkbox"/> 850 Securities/Commodities/Exchange                           |                |
| <input type="checkbox"/> 195 Contract Product Liability                           |  |   | <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act      | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                  | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410                            |                |
| <input type="checkbox"/> 196 Franchise  |  |   | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act      | <input type="checkbox"/> 864 SSID Title XVI                      | <input type="checkbox"/> 890 Other Statutory Actions                                   |                |
|   |  |   | <input type="checkbox"/> 740 Railway Labor Act                           | <input type="checkbox"/> 865 RS1 (405(g))                        | <input type="checkbox"/> 891 Agricultural Acts   |                |
| <b>REAL PROPERTY</b>  | <b>CIVIL RIGHTS</b>  | <b>PRISONER PETITIONS</b>   | <input type="checkbox"/> 790 Other Labor Litigation                      | <b>FEDERAL TAX SUITS</b>   | <input type="checkbox"/> 892 Economic Stabilization Act                                |                |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 441 Voting                            | <input type="checkbox"/> 510 Motions to Vacate Sentence                 | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act                | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 893 Environmental Matters                                     |                |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 442 Employment                        | <b>Habeas Corpus:</b>   |  | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609         | <input type="checkbox"/> 894 Energy Allocation Act                                     |                |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 443 Housing/Accommodations            | <input type="checkbox"/> 530 General                                    |  |  | <input type="checkbox"/> 895 Freedom of Information Act                                |                |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 444 Welfare                           | <input type="checkbox"/> 535 Death Penalty                              |  |  | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |                |
| <input type="checkbox"/> 245 Tort Product Liability                               | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other                           | <b>IMMIGRATION</b>   |  | <input type="checkbox"/> 950 Constitutionality of State Statutes                       |                |
| <input type="checkbox"/> 290 All Other Real Property                              | <input type="checkbox"/> 446 Amer. w/Disabilities - Other      | <input type="checkbox"/> 550 Civil Rights                               | <input type="checkbox"/> 462 Naturalization Application                  |  |  |                |
|   | <input type="checkbox"/> 440 Other Civil Rights                | <input type="checkbox"/> 555 Prison Condition                           | <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee              |  |  |                |
|   |  |   | <input type="checkbox"/> 465 Other Immigration Actions                   |  |  |                |

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 1692, et seq. (Fair Debt Collection Practices Act)

Brief description of cause:

Unlawful debt collection practices

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE  
"NOTICE OF RELATED CASE".

## IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND☒ SAN JOSEDATE **5-13-08** SIGNATURE OF ATTORNEY OF RECORD

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**

Example:

U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.